

REMARKS

The Examiner rejected Claims 2 and 6 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. In particular, the Examiner stated that the limitation of "satellite (DSS, DVB)" does not clearly state if DSS and DVB are limitations of the claim.

Claims 2 and 6 have been amended to replace "satellite (DSS, DVB)," with "Digital Satellite System (DSS), Digital Video Broadcasting (DVB)," to clearly claim the present invention.

The Examiner further rejected Claims 1 and 3 under 35 U.S.C. 102(e) as being anticipated by Schuster et al. US Patent No. 6,151,636. In rejecting Claim 1, the Examiner stated that Schuster includes all the limitations of Claim 1. Schuster describes a system and method for increasing speed and accuracy of information transfer over the Internet, by reducing the amount of signal compression. In column 5 lines 14-40 Schuster describes decoding a compressed media stream, and then recoding the same string with less compression. In column 6, lines 16-31 Schuster describes a device sending or receiving digital data through the Internet, wherein the device is connected to the Internet through a modem or LAN. In column 8, lines 1-7, Schuster teaches that the methods described therein apply to audio, video, or to other signal such as data signals. In column 8, 34-44, Schuster describes the lower compression data stream being forwarded to the Internet, and being received and decoded by a remote device to recover the underlying media signal.

The sections of Schuster cited against Claim 1 do not include scheduling or gathering entire digital database content of at least one type of digital information service. Schuster is directed to processing (i.e., de-compress and re-compress at a lower level of compression) whatever data is present, not to gathering selected data, and not processing data at a scheduled time. Because the cited sections of Schuster do not contain limitations of scheduling and gathering, Schuster can not anticipate Claim 1.

In light of the foregoing, it is respectfully asserted that Schuster does not disclose every element of the claimed invention of Claim 1, nor does it enable one skilled in the art to make and use the claimed invention. Therefore, the Schuster does not anticipate the invention claimed in Claim 1. Moreover, it is asserted that the foregoing reasons obviate the rejections

of Claims 2, 3, 4, and 5, which depend from Claim 1, rendering these allowable in their present form.

The Examiner rejected Claim 7 under 35 U.S.C. 102(e) as being anticipated by Agraharam, US Patent No. 6,389,471. Agraharam teaches a system and method allowing a broadcast session conductor to present a multimedia broadcast session to a predetermined audience. The present invention teaches a system and method for providing content to an end user, as selected by the end user, which is reflected in Claim 7 as amended by a limitation of "selecting at least one user selected computer file." Because the amended Claim 7 includes the limitation of "selecting at least one end-user selected computer file," Claim 7 is not anticipated by Agraharam. Moreover, it is asserted that the foregoing reasons obviate the rejections of Claims 8 and 9, which depend from Claim 7, rendering these allowable in their present form.

The Examiner rejected Claim 2 under 35 U.S.C. 103(a) as being unpatentable over Schuster, stating that even though "Schuster does not specify the use of RS232, RS422, television, radio, or MPEG-2 ... Schuster does specify wired or wireless communications to connect the servers and the use of TCP/IP and broadcasting as means of communicating". The Applicants traverse this rejection as not providing *prima facie* obviousness.

The statutory basis for rejections of the aforementioned claims provides that "...[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made," 35 U.S.C. 103(a). Further, the Manual for Patent Examiners' Practice paragraph 2142 addresses the same basis for rejection, mandating that "...To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of

success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991), MPEP Section 706.02(j). “Mere fact that prior art may be modified to reflect features of claimed invention does not make modification, and hence claimed invention, obvious unless desirability of such modification is suggested by prior art. . .”, *In re Fritch*, 922 F.2d 1260, 23 USPQ.2d 1780, at p. 1780 (Fed. Cir. 1992).

Thus, either a single reference including all the limitations of the claim, or motivation to combine references collectively including all the limitations of the claim, are required to establish prima facie obviousness. However, no reference(s) including all the limitations of Claim 2 have been cited. Further, as argued above, Claim 1 has been shown be novel over Schuster, and therefore all the claims that depend from Claim 1 are valid, including Claim 2.

The Examiner rejected Claim 6 under 35 U.S.C. 103(a) as being unpatentable over Agraharam. The Examiner states that “it would also have been obvious to one of ordinary skill in the art that a review of a catalog of what services have been received, said program guide means ...” However, as pointed out above with respect to the rejection of Claim 2, either a single reference including all the limitations of the claim, or motivation to combine references collectively including all the limitations of the claim, are required to establish prima facie obviousness. No reference(s) including a program guide have been cited. Therefore, the rejection of Claim 6 is respectfully traversed.

The Examiner rejected Claims 4 and 5 under 35 U.S.C. 103(a) as being unpatentable over Schuster in view of Agraharam. In view of the above arguments overcoming the rejection of Claim 1, from which Claims 4 and 5 depend, it is asserted that Claims 4 and 5 are also allowable.

The Examiner rejected Claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Agraharam in view of Schuster. In view of the above arguments overcoming the rejection of Claim 7, from which Claims 8 and 9 depend, it is asserted that Claims 8 and 9 are also allowable.

New Claims 10-20 have been added to more clearly define the present invention. Applicants believes that no new material is added to the claims.

CONCLUSION

Claims 2 and 6 have been amended to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claim 7 is herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the claims would have been allowable as originally filed. The above amendments are made purely to clarify the invention. Applicants respectfully submit that the presently claimed invention is patentably distinct over the cited reference, and Applicants therefore believe that the claims, as amended, now comply with 35 U.S.C. 112 and are not anticipated by Schuster or Agraharam as required by 35 U.S.C. 102, or by Schuster or Agraharam individually or in motivated combination as required by 35 U.S.C. 103. Therefore Applicants believe the present invention as now claimed is patentable. In view of the foregoing amendment and remarks, favorable consideration by the Examiner, entry of the above amendment, withdrawal of the present rejections, allowance of the pending Claims 1 - 20, and passage of the present application to issuance are accordingly solicited. The Examiner is cordially invited to telephone the undersigned for any reason which would advance the pending claims toward allowance.

Respectfully submitted,



Kenneth L. Green
Reg. No. 44,724

KLG/rm
March 11, 2003
LARIVIERE, GRUBMAN & PAYNE, LLP
Post Office Box 3140
Monterey, CA 93942
(831) 649-8800

MARKED-UP VERSION OF CLAIMS

2. (Amended) A broadcast system as described in claim 1, wherein:

said server-end means further comprises communication means for facilitating transmission of said entire digital database content via IP-Multicast, RS422, RS232, and TCP/IP type of communications links for further broadcasting via conduits selected from a group of conduits consisting of [that comprise] television VBI, radio subcarrier, Digital Satellite System (DSS), Digital Video Broadcasting (DVB) [satellite (DSS, DVB)], MPEG-2, paging networks, telephone networks, local area networks, and the Internet.

6. (Amended) A contents-based digital data broadcast system, said system comprising:

a first server-end application program means for retrieving a first type of digital information, and storing a entire contents of said digital information locally;

a first server-end application module means for encoding, transmitting scheduled services including said entire contents of said digital information, said first application module comprising means for supporting IP-Multicast, RS422, RS232, and TCP/IP communications and means for broadcasting said encoded entire contents of said digital information via conduits consisting of [that comprise] television, VBI, radio subcarrier, Digital Satellite System (DSS), Digital Video Broadcasting (DVB) [satellite (DSS, DVB)], MPEG-2, paging networks, telephone networks, local area networks, and the Internet;

a second server-end application module means for scheduling tasks for external modules; facilitating centralized organization of tasks and services provided to a client;

a second server-end application program means for issuing and responding to remote commands and reporting on a status of a task to remote modules;

a first client-end application program means for decoding and receiving the full content of said broadcasted encoded digital information; and

a second client end application program guide means for facilitating selection of which service to receive, viewing a schedule of incoming services, and review of a catalog of what services have been received, said program guide means further providing a rotating information banner.

7. A method for [wirelessly transmitting] providing digital information with existing audio/video broadcasts, said method comprising[the steps of]:

[(a)] [providing a server-end means for] selecting at least one end-user selected computer file,

5 breaking down the computer file into at least one packet of digital information;

[gathering and transmitting] broadcasting the packet [an entire digital database content of at least one type of digital information service , said server-end means having means for encoding said full-digital data content for being broadcasted];

[providing a client-end means for decoding and]receiving the packet at an end-user
10 [broadcasted full-digital database content and providing the full informational content of said at least one type of digital information services]; and

reassembling the packet into the computer files.

[wirelessly transmitting said full digital database content at said client-end means for being manipulated and being used by a subscriber of said digital information services.]

8. **(Amended)** A method for wirelessly transmitting digital information, as described in claim 7,

wherein said [means for encoding comprises] breaking down the computer file[s] into at least one packet of digital information comprises:

5 (a) allocating memory in a data storage unit member [of said server-end means];

(b) reading data contents of [a] the computer file into the memory;

(c) compressing the read file data;

(d) encrypting the compressed data;

(e) framing the encrypted data [packet]; and

10 (f) adding a trailer to the framed data to signal an end of packet (EOP) indication[to said at least one packet].

9. **(Amended)** A method for wirelessly transmitting digital information, as described in claim 8, wherein [said method] breaking down the computer file into at least one packet further comprises the steps of:

(g) wrapping said packet with a wrapping [additional information] selected from a
5 group [wrapping options comprising] consisting of: a Wrap to NABTS (creates the forward

error correction (FEC) bundles, fec rows and header), a Wrap to Null (no wrapper), and a Wrap to JPT (JetStream Packet Transport which are portions of a complete jetstream packet, and adds headers);

10 (h) destroying [an encoded] the packet after being wirelessly transmitted, [said encoded packet being destroyed for purposes of] thereby freeing-up memory in the storage unit member.

10. (New) The method of Claim 7 further comprising scheduling the service, wherein the service is scheduled by the end-user.

11. (New) The method of Claim 7 wherein broadcasting the packet comprises broadcasting the packets over a broadband broadcast medium.

12. (New) The method of Claim 7 wherein broadcasting the packet comprises broadcasting the packets over at least one of a group consisting of television, VBI, radio subcarrier, Digital Satellite System (DSS), Digital Video Broadcasting (DVB), MPEG-2, paging networks, telephone networks, local area networks, and the Internet.

13. (New) The method of Claim 7 wherein said selecting computer file comprises selecting a digital information service, wherein the service comprises a logical grouping of files.

14. (New) The method of Claim 7 wherein said selecting the computer file comprises selecting at least one of a set consisting of a standard file (unrelated grouping of files), files that make up a World Wide Web (WWW) site, program guide services, and rotational file services (unspecific related groupings of files)

15. (New) The method of Claim 7 further comprising displaying a program guide to the end-user.

16. (New) The method of Claim 15 wherein displaying a program guide comprises displaying a program guide including services available.

17. (New) The method of Claim 15 wherein displaying a program guide comprises displaying a program guide including broadcast schedules.

18. (New) The method of Claim 7 further comprising providing a Graphic User Interface (GUI).

19. (New) The method of Claim 18 wherein providing a GUI further comprising providing a GUI adapted to manage service subscription.

20. (New) The method of Claim 7 wherein breaking down the computer file into at least one packet comprises breaking down the computer file into at least one packet comprising 127 bytes.